

TOWN OF NEW WINDSOR

PLANNING BOARD

January 12, 2011

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
DANIEL GALLAGHER
NEIL SCHLESINGER
HOWARD BROWN

ALTERNATE: HENRY SCHEIBLE
HARRY FERGUSON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

AMY ZAMENICK, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the January 12, first meeting of 2011 planning board. We took a moment tonight, it's our first meeting of the year, so in the tradition, not the tradition, what we do from a procedural point of view we get together and we talk about, we nominate and second and elect a chairman, a vice chairman and et cetera, et cetera. The nominations were seconded and unanimously voted upon that we remain status quo the same as we were last year with myself as chairman, Henry VanLeeuwen as vice chairman, Neil Schlesinger as secretary and Danny Gallagher as sergeant at arms. We also voted on and again unanimously voted on motion was made and seconded unanimously carried to maintain the firm of Drake Loeb with Dominic Cordisco as our counsel, McGoey, Hauser & Edsall as our professionals, with Mark Edsall at the front end there and Franny, I'm happy to say you'll be here for another year, God willing. I think that's all the nominations.

I have one other formality, everybody has the agenda for this year, if anybody sees fit, agenda, the schedule of meetings for this year, if anybody sees fit, I'll accept a motion that we adopt that.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we adopt that, it's in your e-mail, everybody has it in your e-mail that we adopt that meeting schedule, typically follows with what we've done in the past, a meeting twice a month and typically in the summer we have one meeting a month for July and August depending on the how busy the docket is. Motion made and seconded. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Before we start the meeting, regrettably I want to or I feel the need to tell everybody that we had a death in our family, our Town of New Windsor family, Mary Hotaling, the collector of taxes passed away unexpectedly this week. So if everybody would indulge me a bit, I'd like to have a brief moment of silence in memory of her. She served the town for many, many years and she was a very nice lady. So just a moment of silence.

(Whereupon, a moment of silence was held in memory of Mrs. Hotaling.)

MR. ARGENIO: Thank you everybody for indulging me on that. Maybe it's inappropriate, maybe it's not but --

MR. VAN LEEUWEN: It's appropriate.

MR. ARGENIO: I think she's a nice lady and that's the deal. Okay, all of that behind me, am I missing anything? Oh, yes, the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED NOVEMBER 17, 2010

MR. ARGENIO: If anybody sees fit, I'll accept a motion that we accept the minutes dated November 17 as written, they were e-mailed on December 23rd.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Gallagher, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PUBLIC HEARINGS:

COVINGTON ESTATES SUBDIVISION (10-24)

MR. ARGENIO: First on tonight's agenda is a public hearing for Covington. Somebody's here to represent this, please come up, show us a map, put up what you have and tell us what we're doing here. I'm familiar with it but for the benefit of everybody here share with us, Ross, I think you know the routine here, if you would please give the board a brief rundown on what you have here. If we have any questions, we'll ask, we've seen this a couple times and then we'll open it up to the public.

MR. WINGLOVITZ: Good evening, Ross Winglovitz from Engineering Properties, I'm here on behalf of Covington Route 300 LMC on an application for a subdivision. They previously approved site plan known as Covington Estates. What the applicant is proposing to do is to subdivide the property for financial purposes. Basically, in today's economy the only way to finance a project is to have townhomes on fee simple lots instead of condos in condo ownership. So what the applicant is proposing to do is take these individual townhomes and put them on fee simple lots where the individuals will actually own the land that the townhome is on, there will be 124 of those lots there will be a remainder parcel which will be lot 125 which will contain the road, water, sewer, storm water and other homeowner association elements will be on that property. We made this application back in September, I know the board has done a coordinated SEQRA review, we have gotten comments back from County Planning indicating it's a local determination. We're here tonight for the public hearing and hear any comments that you may have and the public may have.

MR. VAN LEEUWEN: Is this going to be a town road or is it going to be private?

MR. WINGLOVITZ: Private.

MR. ARGENIO: If everybody recommends for the benefit of the board members, this has been approved, this site plan has been approved for quite some time. They have renewed their approval affirmation a couple of times and as Mr. Winglovitz said, this fee simple process allows for potential buyers, it allows, it's an easier package to finance for potential buyers of units and we

have seen this a few times around town and this is the next one. But as I said as far as the site plan is concerned, this has been approved, we have talked about the recreation area, we have talked about the location of it, we have talked about the phasing, et cetera, et cetera, et cetera. So for the members, does anybody have any immediate questions that come to mind they'd like to ask?

MR. VAN LEEUWEN: I have one. Is your plan going to be to sell this to different builders, is that the idea?

MR. WINGLOVITZ: No, the whole project is to be built by the current owner or the whole project will be built by one builder, not to break it up and sell different buildings to different builders if that's what you're asking.

MR. VAN LEEUWEN: Because when you get a subdivision like that, that's what you could do.

MR. WINGLOVITZ: Yes, that's what you could do.

MR. VAN LEEUWEN: We have to find some wording where that can't be done.

MR. ARGENIO: Anybody else have any questions on this? On the 28th day of December, 2010, Nicole compared 436, 436, that has to be a record, addressed envelopes containing notice of public hearing for this application. This list was provided by the assessor of the Town of New Windsor containing notice for this public hearing. If there's anybody in the audience that has a question about this or would just like to comment on it, please raise your hand, be recognized and what I'd like you to do once you're recognized is come forward, give your name and address to the stenographer and please ask your question in a clear, intelligible fashion. Anybody? Yes, sir please come forward.

MR. CAMPO: I already signed the sheet.

MR. ARGENIO: Sir, what's your name?

MR. CAMPO: Joe Campo, I'm the president of the condo unit one which would be your neighbor. And I would really appreciate having sat through I couldn't clearly hear what you were saying. It's any understanding I could be wrong that you are planning on 104 unit

condominium in additional to that?

MR. WINGLOVITZ: It's 124 lots, there won't be a condominium ownership, fee simple ownership.

MR. CAMPO: A hundred and twenty four homes?

MR. WINGLOVITZ: Townhomes, multi-family units.

MR. CAMPO: Single-family home?

MR. WINGLOVITZ: No.

MR. CAMPO: What is it?

MR. WINGLOVITZ: Four unit buildings in this case.

MR. CAMPO: Approximately, 124 families, is that correct?

MR. WINGLOVITZ: Yes.

MR. CAMPO: Is there any additional homes being built around that?

MR. WINGLOVITZ: No, this is part of the originally approved plan, nothing different.

MR. CAMPO: Okay, and the egress or entrance if you relate it to Continental Manor which as I understand is on the same thoroughfare?

MR. WINGLOVITZ: Yes, Route 300 is here is Continental Manor to the north.

MR. CAMPO: How many feet, 100 yards, 200 yards?

MR. WINGLOVITZ: Probably 150 yards north

MR. CAMPO: We have approximately 100 families in that complex in New Windsor in the Continental Manor one and two and now we're going to add another 124 families which could be possibly 200 plus people and 200 plus cars. I mean, just to give you folks, if you haven't already thought about it, that's a lot of population not to disparage this in any way but that's an awful lot of population in one area relatively. Now if you have any reason to go into the Continental Manor Drive in or out?

MR. ARGENIO: Excuse me one second. Mr. Schlesinger was asking just for the benefit of everybody here was asking me about the site plan approval on this and I didn't want to interrupt you, Mr. Campo, and I was going to wait till you were finished insomuch as Mr. Schlesinger brought it up, this project, this complex has already passed muster at the site plan level, that is to say that they were in front of this board for some period of time and I don't remember exactly what it was but it was probably several years.

MR. CAMPO: Yeah, I'm aware of that.

MR. ARGENIO: They did the traffic studies and they relocated the recreation area and we included verbiage in the approval to the affect, Mark, correct me if I misspeak to the affect of they have to have the recreation facilities complete and finished before they get 51 percent of their C.O.s, et cetera, et cetera, et cetera. The purpose of this process tonight is that the public hearing is mandatory by law, by statute, it's mandatory, the only thing they are doing here tonight or requesting this board approve is the fact that the lot lines will now go through the walls of the units, that is that each unit will be its own separate and distinct lot. There are no changes proposed to the site plan. The original site plan and I apologize for interrupting you, Mr. Campo, but Mr. Schlesinger was whispering in my ear and I certainly don't want to keep anything from anybody.

MR. CAMPO: I recognize this has been done a while back and at the time frankly either I wasn't on the board or I wasn't aware of it but my real question is this not to in any way take away from or disparage or argue the points he's trying to make tonight. My question is just very simply legitimate because I will be asked it every day by all the other members of our board how are we going to handle the traffic. And if you say it's been discussed, I'd like to have an answer to that cause we in our minds this really just takes that area and just grows it and some of it will be good, some of it will be difficult to manage.

MR. ARGENIO: Mark or Mr. Winglovitz?

MR. WINGLOVITZ: Traffic study conducted during the process for approval of the site plan that was reviewed by the town planning board, its consultants and the DOT and it was approved for this entrance on the highway,

they looked at the additional trips from this project as well as additional traffic from surrounding as well.

MR. CAMPO: That's not an answer if I'm driving out and there's 100 or 200 more families next to me, I'm having five minutes getting out of the entrance now, how do I go back and tell me people it's going to be the same? It's not going to be the same. How do we address that?

MR. ARGENIO: Probably not going to be the same.

MR. VAN LEEUWEN: Nothing can be the same, sir.

MR. CAMPO: So the question is Mrs. Jones asked me a question how do I get out of my parking spot not waiting another 10, 15 minutes? Has the town or this gentleman and his company addressed that issue?

MR. WINGLOVITZ: The traffic study looked at those issues and they decided there wasn't going to be any significant change or impact to those intersections that will be affected by the project.

MR. CAMPO: Does that make sense to you?

MR. WINGLOVITZ: Not saying it's, there's not going to be any, just not significant, that's what the study determined.

MR. CAMPO: You have taken the opportunity to drive in and out of Continental Manor?

MR. WINGLOVITZ: I've been in and out of Continental a number of times.

MR. CAMPO: So you have an idea how long it takes in and out?

MR. WINGLOVITZ: Yes.

MR. CAMPO: You don't think this is going to make it more difficult?

MR. WINGLOVITZ: I said no significant change is what the study determined that was reviewed by the consultants and professionals for the DOT, the town as well.

MR. CAMPO: I guess I will go back and I tell them 200 families it's not going to change anything.

MR. ARGENIO: Mr. Campo, you can tell the 200 families whatever you'd like, let me finish, the reality of it is that at site plan level going back a couple years, I don't remember exactly how long these things that you are talking about, traffic studies, traffic analysis, traffic counts, all of these things that you are referring to this board compelled them to review, collect data, do the traffic counts, submit them to our professional, Mr. Edsall, for review. I don't remember, we have a firm that we hire when we need additional traffic counsel because it's a big issue in our town especially in the Five Corners area, I don't remember if we retained the services of that professional for this application or not but certainly this data was provided to Mr. Edsall whose office analyzed it, checked it and I can tell you that every intersection that the DOT manages has a level of service, it's A through F, A through F, sometimes it's level A which means you pull up and you get out real quick, sometimes it's level C, which is not quite as good as A, sometimes as is in the instance in some of the traffic movements at Five Corners in Vails Gate it's level F, which means it takes more time to make your traffic movements and that's the reality of it. You can't expect As, our town grows, everyplace you go you pull up, you wait three, four seconds and you pull out but as I said, I can't tell you what to tell your people.

MR. CAMPO: The analogy is 200 families plus another 200 families plus probably three or four hundred cars, that's different than a corner stop. This is a major thoroughfare now that's difficult to manage and now we're going to add another two or three hundred cars and you're saying it's no significant difference. It's very hard to sell and I'm a seller, has to be very hard for me to sell so I'm hoping or I will come back and say at some point Mr. Argenio, is that the name, I will come back and say Mr. Argenio and ask for a traffic light so, and I guess this is not the process for that.

MR. ARGENIO: Yes, thank you, Mr. Campo. Anybody else? Yes, sir, please come forward. Have you signed in, sir?

MR. CROYLE: No, I have not yet.

MR. ARGENIO: Would you do that for us?

MR. CROYLE: Yes, I will in a couple seconds. My name is Joseph Croyle, C-R-O-Y-L-E, Joseph C. Croyle, 276 Temple Hill Road, New Windsor 12553. My question is when is this going to be on display at the Town Hall?

MR. ARGENIO: When is it going to be on display at Town Hall?

MR. CROYLE: Of New Windsor.

MR. ARGENIO: I don't know that it's going to be on display at Town Hall.

MR. CROYLE: I think the citizens would like to see it.

MR. ARGENIO: That's why we're here tonight.

MR. CROYLE: Not just for one day or one evening.

MR. ARGENIO: You want to look at it tomorrow?

MR. CROYLE: Other people would like to look at it tomorrow and throughout the next week or so, as I said, it's not been on display until tonight.

MR. WINGLOVITZ: It's available at the planning board office.

MR. COYLE: I mean for public viewing.

MR. ARGENIO: Yes.

MR. CROYLE: Next question is entrance and exits to the development will be where?

MR. WINGLOVITZ: One entrance onto Route 300.

MR. CROYLE: One entrance and one exit?

MR. WINGLOVITZ: Correct.

MR. CROYLE: My other pointing back on the traffic also, is there a way to get around traffic that's coming out Route 300 going east on 300, make a left into Covington as compared to people going east on 300, I'm sorry, west on 300 to make, say if they're going from, going east from the west to Covington to make a left there won't that back up traffic to Five Corners intersection when there's a lot off traffic? That's the question.

MR. WINGLOVITZ: You're concerned about cars coming from Vails Gate intersection?

MR. CROYLE: No, cars coming from west going east making a left turn into Covington I think won't be able to make a left turn with people going west into Vails Gate. Now, would that back up traffic and because you can't go around because there's no shoulder there how do you make a left, say if I turn into there? But then also you have problems with people coming from Vails Gate that have to make a right there will people be able to pass them? It's a very narrow two lanes there, right?

MR. WINGLOVITZ: There's two lanes of traffic, yes, one north, one south.

MR. CROYLE: People that make the level turn into Covington they're going to back up traffic on Route 300.

MR. WINGLOVITZ: You're concerned about people cued up to make a left turn into the project are going to cause a delay behind them?

MR. CROYLE: Yes, and the same problem with the other direction, traffic will back up to Five Corners cause it's very short, we'll have a half mile to Five Corners.

MR. WINGLOVITZ: Coming north from Five Corners it's a right turn in, no delay, yes, right turn in.

MR. CROYLE: Into what street?

MR. WINGLOVITZ: Into the project.

MR. CROYLE: The other question I had make a left into there from the west.

MR. WINGLOVITZ: They'll have to stop and wait for an opening to turn in.

MR. CROYLE: Back all the traffic up on Temple Hill Road.

MR. ARGENIO: So your concern is the left-hand turn movement?

MR. COYLE: Right, yeah.

MR. ARGENIO: Anything else other than that?

MR. CROYLE: Does this have enough area to accommodate 124, what is it 124 units, townhouses, 124 townhouses have enough property to accommodate 124 townhouses?

MR. WINGLOVITZ: As the chairman said, the number of units, the layout of the units, the traffic, the drainage, all of that has been reviewed as part of the site plan process.

MR. ARGENIO: Yeah, I'm trying to, it's important to allow, it's important for this board to get feedback, it always is. But we're going somewhere where we shouldn't be going tonight and you don't understand, here's the deal. This site plan we had a public hearing on this, we had traffic data, we had reviews, we had discussions, there was a public comment period and that went on and on for months and months and months and months and now with all due respect, Mr. Coyle, this application, nothing has changed from their original approval with the exception of the location of the lot lines. And to rehash this thing over and over is not, it's not equitable, it's not what we're here for tonight, quite frankly, that's not to say that your concerns are irrelevant or unfounded, I'm not saying that. But that's not what we're here for tonight.

MR. CROYLE: One last comment, I received a notice from the planning board on December 27, that's the first notice I have received of this.

MR. ARGENIO: Okay.

MR. CROYLE: Also, I had, you had other meetings on the property of the development, why didn't we get public notices of those meetings?

MR. ARGENIO: I know we had a public hearing and I know probably the same amount of letters went out, if you want to FOIL the information with Nicole and check it out to see if there's an issue or a problem you certainly are welcome to do that. But the same procedure that she goes through to acquire the mailing list for this is the same procedure that she went through and it might even predate you.

MS. JULIAN: It does.

MR. ARGENIO: It's the same procedure the prior planning board secretary went through to obtain the mailing list for the original site plan.

MR. CROYLE: My point is I was not notified in the past, this is my first notification. I would have been here in the past to make these comments if I had known that the planning board was meeting on this, I hope it's not, that's my comment, I hope it's on the record. Thank you.

MR. ARGENIO: Thank you, sir.

MR. EDSALL: Before you go on just for the record Nicole once the announcements went out for the public hearing, the application package plans and all were available at Town Hall for review during the entire notice period, correct?

MS. JULIAN: Yes.

MR. EDSALL: Just so the minutes are clear, what's being shown tonight was at Town Hall available for review for the last 10, 14 days?

MS. JULIAN: Absolutely.

MR. EDSALL: Thank you.

MR. ARGENIO: Thank you, Mark. Anybody else have a question or comment they'd like to make?

MR. VAN LEEUWEN: Motion to close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Brown that we close the public hearing. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Members, does anybody have any other

questions on this?

MR. VAN LEEUWEN: I have one question.

MR. ARGENIO: Please ask.

MR. VAN LEEUWEN: I think there's a little rumbling here about the clubhouse, the clubhouse has got to be built before or whatever?

MR. WINGLOVITZ: There's no clubhouse, that was removed probably four years ago.

MR. ARGENIO: There's a recreation area.

MR. WINGLOVITZ: There was stipulation at the time that the recreation area be built early on in the process.

MR. VAN LEEUWEN: How soon are you going to build the recreation?

MR. WINGLOVITZ: I don't remember, it's in the approval.

MR. ARGENIO: We definitely addressed it the timing of that construction.

MR. VAN LEEUWEN: I thought there was a clubhouse.

MR. ARGENIO: We have been burnt on that before.

MR. VAN LEEUWEN: I know we have, that's why I'm bringing it up.

MR. ARGENIO: I will say this for the benefit of the people in the audience, from time to time, if there's a project and this is getting back to Mr. Coyle and Mr. Campo's comment or the thrust of what they were saying, from time to time, if there's a project where the approval has expired or it has I will say lingered around for an extended period of time, five years, seven years, six years, this board has in the past again from time to time required an applicant revisit their traffic study if there's been a significant build-out in the area, as I said, typically that happens if an application expires and lays dormant for an extended period of time. So I don't know if that helps anybody but it's certainly information. I want to go to a few procedural things, this has been sent to Orange County Planning and they have responded local

determination, planning board issued a lead agency coordination letter on October 20. If anybody sees fit, I will accept a motion that the planning board declare itself lead agency for this application.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Relative to this application, this subdivision application and this subdivision application only, if anybody sees fit, any members see fit, I'll accept a motion that we declare a negative dec.

MR. EDSALL: Just as part of the minutes before you take any SEQRA action again getting back to the traffic so that the audience has the benefit of some input from DOT, when I circulated lead agency coordination letter the DOT acknowledged that but also indicated as far as the highway permit process they were going to revisit the traffic. Now, certain warrants have to be met to install any improvements within the state highway, be it a turn lane, traffic signal, anything and DOT indicated in their response back to this board through our office their October 27 letter that they were revisiting the traffic study and drainage as part of their highway work permit process. So they are going to revisit, look at it, if they deem that a deceleration turn lane is needed for a right turn or a center left turn lane is required that's one hundred percent under the jurisdiction of the DOT.

MR. ARGENIO: And again, it's important to note that that's not for the planning board to determine, we can submit the plans to them, have them review them but at the end of the day, it's a state highway.

MR. EDSALL: When we circulate in town intersections are impacted many times that's when we bring in a

consultant representing the town to verify that any impacts are mitigated, this is one hundred percent a DOT impact so we rely on DOT's Poughkeepsie regional office to review the impacts and when they respond back that there are no warrants not to make any additional improvements, the board moves on. Well, they are going to be revisiting it as part of the permit process so from a SEQRA standpoint, I think it's been satisfied for your subdivision application to move forward but everyone should recognize DOT is as part of the, of their permit process going to be just revisiting it before they issue the permit. This has to be sent back, we're just discussing for PUD final before so but they need the neg dec first.

MR. ARGENIO: Any reason we cannot proceed with SEQRA?

MS. ZAMENICK: You can proceed.

MR. ARGENIO: I'll accept a motion for negative dec under SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: That's for SEQRA, I don't believe there's anything else procedurally that we should be going through tonight. Mark, what's the next step for this application, Mark or Amy?

MS. ZAMENICK: I think you're going to need to refer it back to the Town Board since it does need a special permit and they'll be holding their own public hearing.

MR. ARGENIO: Say again.

MS. ZAMENICK: Because of the special permit, you need to refer it back to the Town Board so if you'd like you can authorize my office to prepare that recommendation, that referral.

MR. ARGENIO: You have been so authorized.

MS. ZAMENICK: Okay.

MR. ARGENIO: Mr. Winglovitz, thank you for coming in.

MR. WINGLOVITZ: Thank you.

MR. ARGENIO: And thank you everybody for being respectful and thank you for your commentary, reasonable and appropriate.

REGULAR ITEMS:250 LAKE STREET SITE PLAN (10-23)

MR. ARGENIO: Next on tonight's agenda, regular items 250 Lake Street site plan. This application involves a use of a portion of the parking area of the former Miron Lumber property on Route 32 as a motorcycle safety school. The plan was previously reviewed at the 27 October ,2010 planning board meetings.

MR. BODENDORF: You want me to open the map?

MR. ARGENIO: Please open a map. For the benefit of the members, this is primarily impacting the City of Newburgh and quite frankly, I think they should be there at their planning board. We had, to refresh everybody's memory, the Town of New Windsor has one concern and one concern only about the parking. Mark, I would like it if you would just refresh everybody's memory on that parking issue and then we'll get to the applicant.

MR. EDSALL: Our only concern and it was vetted with discussions with the board was the fact that the overall property includes the New Windsor portion and the City of Newburgh portion with the City of Newburgh being the large former Miron retail building which relies to some extent on parking that's on the New Windsor parcel. And our only concern was that there would be some protection, more protection for the City of Newburgh but it's really a safety issue to ensure that that parking remains available for that large retail building, whatever ultimately is used in years to come so that we wouldn't result in having inappropriate probably illegal parking out on the state highway which would be unsafe. So with that concern identified, the applicant has worked with us to create a note number four under the site notes which really requires that if the property, if either property is reviewed, it has to take into consideration the use of the City of Newburgh parcel and providing that there's adequate parking. So with that in mind, they addressed it, it's now a map note, it's not a, it's a protective measure, it's not something that's in the code, it's just good planning so we have done due diligence and added a note.

MR. ARGENIO: They have met our requirements that we have asked them essentially in layman's terms what we

don't want to have happen is somebody sells a portion of this property, suddenly one of the two lots that are left over, namely the one in the Town of New Windsor has inadequate parking and people are parking on Route 32 and we have a traffic problem and everybody's mad at everybody. What do you have to, so what's your name?

MR. BODENDORF: John Bodendorf from Hudson Land Design here on behalf of the applicants. Since we were last here in addition to addressing that issue with the note we have received the negative dec SEQRA determination from the city as well as conditional site plan approval, the conditions being that we secure a site plan approval from this board and the other condition is to further protect both the city and the town. In addition to that note, we're going to have the map filed with the county so there's a permanent record of it.

MR. ARGENIO: Any questions?

MR. VAN LEEUWEN: No, we've seen it before.

MS. ZAMENICK: Has the negative dec been provided to our office?

MR. ARGENIO: We'll need a copy of that

MR. BODENDORF: Okay.

MR. ARGENIO: As part of any action this board takes tonight. What's the matter?

MS. ZAMENICK: That's it until we have the negative dec we really can't go forward, if you're confident that it's okay then you can go ahead.

MR. ARGENIO: I'm confident it's okay. There's no such thing as two negative decs, right, city's lead and that's the end of that.

MR. EDSALL: We had spoken with the city's representative several times and told them that we believed that it was appropriate that they be lead agency so we have deferred now, they have acted which I did e-mail the city planner and asked that they forward a copy of the negative dec so hopefully it's on the way. That was really what was holding us up from acting. Now that they have acted I think we can.

MR. ARGENIO: Anybody have anything else, Danny or Henry?

MR. VAN LEEUWEN: No.

MR. SCHLESINGER: Want to understand something, this is a school for motorcycle safety?

MR. BODENDORF: Correct.

MR. SCHLESINGER: Is this a requirement for getting a motorcycle license?

MR. BODENDORF: I believe so, I'm not a motorcycle person and unfortunately the applicants are stuck somewhere in--

MS. ZAMENICK: It is, it's a requirement.

MR. SCHLESINGER: To get a motorcycle license you have to take this course?

MS. ZAMENICK: Yes.

MR. ARGENIO: Do you have a Harley?

MS. ZAMENICK: My dad does.

MR. SCHLESINGER: People coming to this course use the school's motorcycle or their own motorcycle?

MR. BODENDORF: I think it's both.

MR. SCHLESINGER: If they have their own motorcycle they can't drive the motorcycle cause they don't have a license yet.

MR. BODENDORF: You're probably absolutely right.

MR. SCHLESINGER: Is that correct?

MR. BODENDORF: I believe so, again, the motorcycle people could not be here tonight, they're stuck in the storm

MR. ARGENIO: Call Paul Tuttle. Look, I don't want to belabor this, there's nothing going on here, the only issue was the parking, we need negative dec, we have the negative dec, a condition of your approval will be that the negative dec is supplied to someone, Amy or

somebody supply it to Amy and Dominic who will get it to Nicole. Anybody sees fit, I will accept a motion for final on this.

MS. ZAMENICK: You need to decide if you'd like to waive the public hearing, again, there's nothing here.

MR. VAN LEEUWEN: I make a motion we waive the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Very much appropriate here, motion made and seconded that we waive the public hearing. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: If anybody sees fit, I'll accept a motion for final.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

VERIZON (LAKE WASHINGTON) (10-26)

MR. ARGENIO: Next is Verizon, it says Lake Washington but it's not Lake Washington, it's Verizon tower on Town Hall property. The application proposes a new 120 foot cell tower on the southern side of Town Hall, the Town Hall site. The plan was reviewed on a concept basis only. Somebody here to represent this? What's the deal?

MS. JULIAN: I talked to them, they called to ask if they're on.

MR. ARGENIO: Okay, just as well, there's probably some heavy lifting that I don't need to get into. Okay, moving on.

THE GROVE AT NEW WINDSOR - SAYBROOK - (10-28)

MR. ARGENIO: The Grove New Windsor. Mr. Bedetti, would you see if they're outside please, The Grove at New Windsor? The application proposes some minor footprint modifications as well as an increase in bedroom count based on an updated interior floor plan. Application reviewed on a concept basis. To refresh everybody's memory on this, this is okay, this is the former K Hov. project up on the hill at the airport that either they abandoned or decided not to build or whatever, doesn't matter to me, it is what it is. And the problem is is that we have an uncompleted project in the town which is an awful, awful thing, it just is not good, I mean, the place, it's not good. The bottom line at the end of the day and again I'm refreshing everybody's memory, this outfit Saybrook came in and they're going to buy it or they bought it and they are going to, they shared with us their architectural, I think that they were postured at the last meeting to get final approval but what came to light was the fact that there was additional bedrooms and it was my concern and I think Henry VanLeeuwen's concern I think somebody else's concern about the sewer that they have capacity for the sewer. So in any event, I don't want to go on and on, you guys are big boys, speak for yourself.

MR. DUNN: Members of the board, good evening, I'm Lenny Dunn with Saybrook, Jason Anderson with Baker and we have brought Justin Dates and Andrew Fetherstone with Maser who's our civil engineer, just an update, pleased to report that we have now a signed contract with Baker so that's a huge step forward.

MR. ARGENIO: Baker's the builder?

MR. DUNN: Yes, Baker's the builder, yes, and we're excited about that relationship.

MS. ZAMENICK: I have a question on who the applicant actually is because I have some comments that say ESC Canyon and Saybrook.

MR. DUNN: Saybrook is ESC Canyon.

MS. ZAMENICK: Thank you.

MR. DUNN: Mr. Chairman, we submitted the package that we gave you last time with a narrative that you guys

had requested talking about the sewer flows, the school seats and the minor revisions and we're here to answer any questions that you guys have for us.

MR. ARGENIO: As I said, my big thing was the sewer and I think I know I spoke to Mark about this, I hope he's got it in his comments here.

MR. EDSALL: Second bullet.

MR. ARGENIO: Results in computed additional children regarding sewer flows, since the original calculation was overly conservative, the flow based on the current calculation is no greater than the estimation in the original report. So the sewer flow is not going to become an issue with these additional bedrooms.

MR. EDSALL: There was adequate allocation in the, there was adequate reserved flow in the original report that covered even the increase flow that may occur as a result of the additional bedrooms. So the bottom line is from a computation standpoint, it's already covered.

MR. ARGENIO: That was my big concern so anybody else, guys, chime in please. You have Mark's comments. Henry?

MR. VAN LEEUWEN: I had them all.

MR. ARGENIO: Certainly not a foot race, take a moment, we looked at architecturals, you're not proposing anything different than what you have already proposed on those, yes?

MR. DUNN: Nothing changed from last month's meeting.

MR. ARGENIO: If you guys remember, they made a couple of real nice changes, they, the garage doors now have windows, they have a, what I would call a portico to stand under when you open your door so you're shielded from the weather, I think they made some real nice changes and the changes were substantially in keeping with the architectural elements of what was already constructed on the site, that's correct, right?

MR. DUNN: Yes.

MR. ARGENIO: Substantially correct?

MR. DUNN: Yes, sir.

MR. ARGENIO: Mark's comment three my review does not appear to identify any significant changes which would require reopening SEQRA. That's good. This should be discussed with the attorney for the planning board. What is there to discuss about that? Not much.

MS. ZAMENICK: No, the only question that Dominic really passed along whether the subdivision plat you were issued if that's been filed and if it has or hasn't if these changes will affect that.

MR. ARGENIO: Does one match the other?

MR. DUNN: Yes.

MR. ARGENIO: So you filed the one that we're looking at here this evening?

MR. DUNN: It has not been recorded, it's been reviewed by Orange County, we have their blessing.

MR. ANDERSON: And it represents our product change.

MR. DUNN: Yes.

MR. VAN LEEUWEN: How come we don't have a letter?

MR. ARGENIO: We can tie that up, that's certainly important, Henry, absolutely, that's why the question is being asked, absolutely.

MR. DUNN: We're ready to submit that plan to the town for signatures.

MR. ARGENIO: Anybody have anything else with this? Look at my notes. Verizon I can scratch off, that's a good thing. I have the note about the footprint, you beat me to the punch.

MS. ZAMENICK: Good.

MR. ARGENIO: For who?

MS. ZAMENICK: Me.

MR. VAN LEEUWEN: I don't see any real reason to hold this up, Mr. Chairman.

MR. ARGENIO: Yeah, I think I agree, Henry. Do you

guys have anything else Neil or Howard?

MR. SCHLESINGER: Public hearing.

MR. ARGENIO: I mean--

MR. VAN LEEUWEN: I think they're kind of improving the place.

MR. ARGENIO: It's going to get up and running.

MR. SCHLESINGER: My only thought on that is there are people that own homes in that area per the initial approval, per the initial specs and you have gone through some changes all because of for whatever reason they are, we feel are positive and I don't think that those people should be kept in the dark as to what's going on.

MR. ARGENIO: Neil, let me just address that and again I'm one member, this is my thought on the subject cause it's a real subject. The biggest concern, actually, there's two big concerns at the public hearing and I feel like we're public hearing these people to death cause we've had at least two so far, the two biggest concerns, one first and foremost what they didn't want to have happen is they didn't want somebody to come in and start building units that are a third of what they already bought. And that means in price, amenities, everything and I think Mark you were at the meeting with the architectural, we've got into the details, you guys have seen them, seems to me what these folks are proposing are as good or better than what's there now. Yes?

MR. EDSALL: Yes, and the buildings that they are going to complete that are immediately adjacent to the existing units are being built to match again in kind with those units. And the new buildings are consistent with them but have some new flavor to them.

MR. ARGENIO: That's just to refresh everybody's memory I think this building's not built, right?

MR. DUNN: Correct.

MR. ARGENIO: This is, these buildings are built, a good portion of them are.

MR. DUNN: These two are the only ones on Balsam Drive

that are not built.

MR. ARGENIO: These two are going to substantially match what's here. Now we have different architectural elements up on the top.

MR. EDSALL: But they are tied very closely again but they are tied very closely with the use of brick and things of that nature. So to reiterate the biggest thing was the fact that they didn't want something cheaper coming in.

MR. VAN LEEUWEN: I don't blame them.

MR. ARGENIO: I think the project was Stonybrook where they, I shouldn't say that, I'll probably get sued because I said that.

MR. VAN LEEUWEN: No, you're exactly right.

MR. ARGENIO: They came in and suddenly in the back they started building cheaper stuff and everybody who bought in the front went wild, rightfully so. The second biggest concern was the fact that the people who live there they wanted it built out. I don't think we need the public hearing, I don't think but I'm one member. I have one vote. Danny, your thoughts on this issue?

MR. GALLAGHER: No, I agree. My biggest recollection was the architecture, a lady or two stood up and wanted to make sure the plans were going to be in kind with the rest.

MR. VAN LEEUWEN: Well, I will tell you I'm not in favor of a public hearing but in this case I am.

MR. ARGENIO: You want a public hearing on this?

MR. VAN LEEUWEN: Yes because if people who have questions can get a chance to answer them it will be only two weeks away so I hate and I'm not a public hearing person, you know that, okay, but in this case.

MR. ARGENIO: Where would we take that? Where would it go at the end of the day somebody says I'm going to exaggerate just for a minute, I want gold shingles, ridiculous exaggeration, at some point in time the project needs to be buildable and salable. You have your opinion, let me go around. Howard?

MR. BROWN: I don't think one is necessary, we've had a couple on this already.

MR. ARGENIO: Neil, you've heard some dialogue.

MR. SCHLESINGER: There's a common area here, isn't there?

MR. EDSALL: It's built.

MR. SCHLESINGER: Is that built out already?

MR. DUNN: Yes, sir.

MR. SCHLESINGER: My only concern is just like people were here for a public hearing, they want to know what's going on and listen, I'm trying to put myself in their place, I bought a home, paid good money for it, maybe I bought at the wrong time, whatever it was and there was a plan, well, I was moving into a community and now the plan's changed for good or for bad and we are all discussing that it is for good. I think my concept is that there's got to be some sort of communication between the people, the people that live there. And my question to you is if you're communicating with these people, do you have any sort of rapport with these people? They probably see you there or are going to see you there.

MR. ARGENIO: That's a great question and I know the answer to it cause I've had meetings with these guys but they need to answer it, answer the question.

MR. ANDERSON: Yeah, I'm not as intimate with it but I fully understand that there's been meetings with the HOA board and we have been fully up front with them as to what changes, what's going on, whereas K Hov. is out, Baker is in. The product change we have listened to the community as to what their needs were or requests were as far as having it all blend and look appropriate and the changes that we're going to make, how far are you going to go, and I think we have listened to them and made the appropriate changes.

MR. DUNN: We've had discussions with owners both in a group setting as soon as we terminated the original builder from the site, Dan Hayes, one of our principals who I think you have met, Mr. Chairman, had a meeting with the current residents and told them, introduced

himself and talking to other builders our plan is to get somebody in here as quickly as possible to build out the site. So yes, we have had discussions with these folks. I'm on the homeowners' association board, I have a close relationship with the management company, most questions go through the company as the first point of contact but the questions get directed to me and we answer those questions for the owners. So yeah, there's a line of communication between us.

MR. ANDERSON: And we have been a hundred percent up front, we have taken away comments of theirs to develop a product that we're presenting to you.

MR. ARGENIO: That said, we have discussed it a bit, we need to raise it to a higher level. Henry, you feel that it is appropriate, you should make the motion then and we'll see where it goes.

MR. VAN LEEUWEN: I'll make a motion to approve.

MR. ARGENIO: To have a public hearing.

MR. VAN LEEUWEN: Yes, to have a public hearing.

MR. SCHLESINGER: I'll second it.

MR. ARGENIO: Motion has been made and it's been seconded. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	NO
MR. GALLAGHER	NO
MR. VAN LEEUWEN	AYE
MR. ARGENIO	NO

MR. ARGENIO: And that's the beauty in government, everybody has an opinion and it is what it is. I think it's a good thing. Okay, so that said, I'm glad we've got the chance to talk about that, I'm glad everybody got a chance to.

MR. VAN LEEUWEN: This way, nobody can say that we did it all on our own behind their backs and all this stuff. In the end, it's safer for you folks.

MR. ARGENIO: Just so you guys know and I don't want to say this before cause I didn't want to sway anything

but when these folks initially came to the town, the first thing, the first thing or one of the first things I should say that they were instructed was that you need to understand that there's buyers up there that bought in good faith, they're residents of the Town of New Windsor and we want to make sure we collectively the town want to make sure that they are happy being there and we don't have utter turmoil, Jen, you were at those meetings, that we don't have utter turmoil at Town Hall because those folks feel betrayed by the town. So we compelled, that is the town compelled these folks, Mr. Hayes specifically to go see these people with the architectural and show them, I wasn't there at the meeting but I have firsthand knowledge.

MR. SCHLESINGER: Quickly not to belabor this that's why I voted for the public hearing cause although you're doing the right thing and the good thing, I felt that it's the board's job to make sure that it is being done in the public eye and that's why I voted in favor of the public hearing. There's a little bit of a doubt, my theory is when you have a doubt you have a public hearing but I just hope that you continue those communications.

MR. ARGENIO: Let's move on.

MR. VAN LEEUWEN: I think it's a lot safer for you guys in the end.

MR. ARGENIO: So all the technical issues have been addressed, we have talked about the public hearing. Mark, you have a record plan, is there anything else we need to talk about?

MR. EDSALL: I suggest that before you take any action the board adopt a motion or at least acknowledge for the record that you agree with the fact that this amendment is consistent with the previous SEQRA determination, that there's no problem.

MR. ARGENIO: I'll accept a motion to that effect.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion made and seconded that the Town Planning Board agree that this application is consistent with the prior SEQRA approval and it

certainly is, they are not adding to the buildings, I mean, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We have done what we needed to do, I don't see that there's anything else to discuss. Mark or Amy, am I missing anything procedurally?

MR. EDSALL: No.

MR. ARGENIO: I'll accept a motion we offer final approval.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made by Dan and Howard beat you to the punch, Henry. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you guys for coming in. Please do the job that we expect you to do up there because not for nothing, this is the second time that we have heard it's all gonna be good, please do the right thing. I wish you luck.

MR. DUNN: Thank you, Mr. Chairman.

NEW CINGULAR WIRELESS (AT&T) SITE PLAN (10-20)

MR. ARGENIO: Proposed construction of 100 foot monopole or some type of pole. We have visual renderings with enclosed area, installation of associated unmanned equipment on the Windsor Motel building across from Coloni Funeral Home. Sir, your name and tell us what you're doing here.

MR. MORANDO: Good evening, my name is Anthony Morando, from Cuddy & Feder, representing AT&T. I don't want to belabor but I would like to go through a summary where we were and where we are now and the application itself. As the chairman, indicated AT&T is proposing a 100 foot monopole at the Windsor Motel site in the rear of the motel. The equipment would be located inside, completely within side the basement of the existing building there now. The site, the facility would utilize the existing parking and an access and not disturb--

MR. ARGENIO: Just to interrupt out of my files I brought the pictures.

MS. JULIAN: They have it.

MR. ARGENIO: Do you have it, Danny?

MR. GALLAGHER: Yes.

MR. ARGENIO: I'm sorry, go ahead

MR. MORANDO: No problem. So as I was saying, it will not disturb any existing vegetation, it's a very minimal disturbance to the site itself as far as what you call land disturbance. Just to give a little background why this site was selected, if everybody, cause we haven't been here in about two months, the site was selected because after reviewing Town Code and doing an exhaustive search of this area, meaning the area, targeted area for the Town of New Windsor, it was clear that this site was the best to comply with the telecommunications provision of the Town Code as well as the siting preference the code prefers or requires that an applicant look at a co-location opportunity. First we did that and there was none to serve this area of coverage. The second requirement for the applicant is to look at the site that contains an existing tower. This is why we chose this site, this is the only site in the area with an existing tower on it that would be

the second preference within the code. We basically at this point we believe we have demonstrated that there are no alternative sites beyond this one that will remedy AT&T's coverage gap but also be this high on the priority list, meaning this was the first one to look at, excuse me, the co-location was the first and again, the site for the town that's what we did with regards to the visual concerns, there's been a lot of discussion about that obviously from an overall community standpoint not limiting it just--

MR. ARGENIO: That's really the only issue ever, quite frankly, I shouldn't say the only but that's the single biggest issue at the end of the day.

MR. MORANDO: From an overall community standpoint not limiting to just the property across the street known as the former Coloni Funeral Home from an average community standpoint it really based on the visual assessment report we provided the 17 photosimulation locations that we provided from public locations based on this information we believe this is the least intrusive site. This site also provides lower elevation to in some ways screen it from the western portion of the town, so sort of limits its exposure to the immediate proximity and to the south. During this process, at the Planning Board's request we reached out to Metro-North who is the owner and operator of the current telecommunication tower on this site at the request of the board and we worked to coordinate with them to produce a single tower site solution, meaning we eliminate that tower and add their whip antennas to this tower, to the proposed tower. Then beyond that it was further discussed about the visual impacts on the former Coloni Funeral Home so we went out and did an additional comprehensive analysis focusing on the site we provided off the top of my head, not sure of the number but several photosims depicting alternative sites. We have presented 11 different tower design options at the site ranging from a monopole, lattice pole, unipole, a flag pole, so we have tried to exhaust all the possible design options that would serve the site. Again, all these sites, these options that we're presenting we have contemplated resolving the single site solution eliminating the one tower from Metro-North. Actually, which I'm about to show you is some of these tower sites we have offered an expandable option, meaning that because we'll be adding the Metro-North whips to the tower or if the board decides that's the way they wanted to go then we can but the, a

tower that would be expandable in the future meaning you're going to lose some co-location opportunities at the lower levels because of the whips so the tower we would still go with the 100 foot approximately 98 to 100 foot and the tower would be capable of expanding if the opportunity presented itself and at the discretion of this board those carriers would have to come back here. At this point, I'd like to show you the photos, as I indicated, these photos are primarily, well, actually all from the view of the Coloni Funeral Home, we have several other photos as you know we're not showing those right now because this is the subject property.

MR. VAN LEEUWEN: There's no other place you can put it?

MR. MORANDO: When we looked at the sites as I said we went through the priority list.

MR. ARGENIO: Let me interrupt for a second. I want to get into that, Henry, but, you know what I'd like to do, I'd like to allow him just to finish his thought process on the photographs and such and then I definitely do want to go into that a bit.

MR. MORANDO: Okay, so as I said, these are all views from the Coloni Funeral Home on the western side of Route 9W across the street from the Windsor Motel, we have submitted all these to photos to you, you should all have them. Just looking at these, these are specific to this is the original proposal, this is a monopole with AT&T's antennas at the top, there'd be additional co-locators in the future, they'd be capable of supporting it, those antennas are on the external of the pole on the outside. Now, what we're showing here is additional, all different types of designs, we have proposed lattice tower designs but I'm not displaying those but you have those in your packet as well. This is by far the least intrusive possible to provide the coverage necessary but also limiting the visual impacts to the fullest extent. As you can see in these designs, the antennas are internal, these are all in the December 23 submission packet. So these antennas are all internally mounted within the structure, on some of these designs, we have the pole that would also again accommodate the Metro-North antennas. There's been some note the board has noted in the past of the local historical value that the Coloni Funeral Home may provide which is why we also offered a flag pole

design, flag poles are inherently historic so it is complying with the nature of the area and with the historical importance of that property, in fact, in similar situations rarely because I will get into the downfalls of using these types of designs but where necessary, we have used those in the past on such like West Point to comply with the historic nature of something like that. I guess we're talking about historical impacts, I will note that within our December 23 packet we submitted a SHPO to the effect, correspondence essentially, that's the State Historic Preservation Office and we have to do that as part of a Section 106 review during a Federal NEPA (phonetic) review so we provided that to this board as well. That correspondence simply indicates that the tower would not adversely affect any site listed or eligible for listing on the National Register. This is a state and federal determination that the project won't have any impacts on historic properties.

MR. VAN LEEUWEN: You have a letter to that fact?

MR. MORANDO: It's Exhibit 7.

MR. ARGENIO: Yeah, it's right here, the letter's here but I think you're misspeaking a bit, if I, that it says it doesn't have any impact on state and historical sites that falls under their auspices. Is that correct?

MR. MORANDO: That is true.

MR. ARGENIO: Go ahead

MR. MORANDO: Just so you know, I know it looks like a small e-mail, this is the standard form that SHPO provides.

MR. ARGENIO: I have no issue with this just so you know the whole issue of us not having it or having it et cetera when Nicole was looking for it she was looking for something on letterhead which is typically what we get and she didn't have that so that's why she said I don't have it.

MS. JULIAN: It's usually mailed directly to us.

MR. MORANDO: I wasn't aware that the board was seeking that correspondence from them at that point.

MR. ARGENIO: Nobody's twisted up about it, it is what it is. Continue.

MR. MORANDO: So in presenting these options to you, it would be remiss of me not to point out the limitations that come along with something like these bottom four options which again the antennas would be mounted internally on these sides, basically AT&T because of the narrowing you have to be mounted internally, would have to take the top three slots which would be approximately 90, 80 and 70 that limits areas for co-locators which is, it becomes further of an issue whenever we add the Metro-North antennas, this is an internal installation so there's no way to install the whips as far as my understanding within it. So there will be, whips will have to be on the outside but that's again that's in the single site solution, that's not the only option on the table, that's just one of the options on the table. There's also a base that AT&T antennas will be able to be installed at the highest level, it will reduce the areas of reliability for coverage for AT&T so it is not the best coverage possible, in other words, but it is at this point minimally sufficient. These problems that I am pointing out with these bottom four installations these are, they are not readily, they are not usual with a monopole, sort of alleviates these problems so that's the benefit of a monopole co-location opportunities the better coverage so on and so on.

MR. VAN LEEUWEN: But you're making your problem our problem and that's not gonna be.

MR. MORANDO: We have shown 11 different siting options so we can look at the full package of what the options are as far as design. Now, if the board still maintains reservations with regards to siting a replacement tower, a single tower whether it be the two tower solution, single tower solution at the Windsor Motel, we would request that the board provide us with some specific direction as to what alternatives if any that they believe would be more appropriate than the site that we have shown here.

MR. ARGENIO: Okay, Henry, you had a question, I want to let you ask the question or make your comment.

MR. VAN LEEUWEN: I already made my comment.

MR. SCHLESINGER: You said there's another tower on

this site, where is that tower?

MR. MORANDO: Well, on some of these it's eliminated because we have superimposed it, taken it out.

MR. ARGENIO: Photoshopped it out?

MR. MORANDO: Yes.

MR. SCHLESINGER: You cannot share that tower?

MR. MORANDO: No, that tower and it's, I have an architect engineer here, that's Metro-North's tower on the bottom, AT&T, that tower is not feasible for AT&T's antennas.

MR. SCHLESINGER: When you say not feasible?

MR. MORANDO: It can't structurally accommodate, can't be modified to accommodate which is why we tried to flip it.

MR. VAN LEEUWEN: How tall is that tower?

MR. MORANDO: Approximately, 60 feet with an additional 20 foot whip antenna above that so 80 feet approximately to the top.

MR. ARGENIO: Howard or Danny, anything else? Okay, let me speak for a second here on this. I don't want to say you're not hearing us, I'm not going to say that. I think you're hearing yourself but you don't want to. The deal is this, and again, I'm one member but I think I have been here the longest, probably Henry collectively you have been here longer but continuously, I have been here the longest. At this point, one of the greatest resources we have in our town is our history, our cultural aspect, the viewshed that we're so lucky to have being on the Hudson similar to that of West Point. As you mentioned, I mean, this is a very historic area down the road there's the Kowawese Unique Area, it's a park that was established quite a few years ago, the Coloni Funeral Home, Richard Coloni Funeral Home is on our local Town of New Windsor list, that's why it's important to make a distinction. Earlier this evening that state parks and historic registration are not the only folks. So in my mind, I don't think there could be and I don't want and I want to be very direct with this, I don't think you could pick a worse area in town to put this tower. I can't

think of one. Up on Snake Hill would probably be better. Amy, you're jumping out of your socks, you have to stay in your socks for a few minutes. Up on Snake Hill would probably be okay, it's up in the sky, I'm thinking trying to think of other areas around town. The only other area I can think of that has this type of viewshed is the view from say Epiphany College, the former Epiphany College or Jimmy Petro's house. If anybody's ever been in Jimmy Petro's house he was the chairman, former chairman of the Planning Board, he has pretty beautiful view. But in the public sector, this is one of our assets we have in the town and, you know what, I hate to say this to you but I don't want personally I speak personally my legacy to be that I am the one that voted on putting this tower up on the roof of that motel right in bird's eye view of the Coloni Funeral Home. Amy, you wanted to make a comment? I don't want to prevent you from saying it.

MS. ZAMENICK: I just wanted to make sure that I kind of got in there that we, with the statement of the SHPO response the agency, you're lead agency and you have the responsibility to make sure all aspects are covered and as this visual impact is a major concern in order to, if the board is interested in a pos dec, you only need one significant potential impact. If that's the direction the board's interested in going then you have met that requirement and being that it is on our local register and in the Hudson Highlands viewshed, it would likely be appropriate.

MR. ARGENIO: Thank you for the SEQRA education, I have been quoted chapter and verse on that many a time.

MS. ZAMENICK: I just wanted to get it in.

MR. ARGENIO: The reality of it is from a SEQRA perspective if this board determines that there's a potential for one, at least one significant impact we have the obligation to consider declaring a positive declaration under the SEQRA process. Now, under that process, if we do consider that, I don't think there is a scoping issue, the only thing we have talked about is the view, that's the biggest issue and please if anybody disagrees with me or has something to add please chime in. My opinion on it's is it's only my opinion that we should consider considering a positive dec under the SEQRA process with the intent Mr. Morando of having this tower quite frankly, I mean, I have not done any measuring but if you were 500 yards to the

north or 500 yards to the south you'd probably be okay, I think, I think you would be out of the viewshed possibly on the top of Pier 9, possibly over near the ambulance corps building, I think, I don't think that's, I don't think that's a significant viewshed possibly south towards Sportsplex.

MS. ZAMENICK: Really can be addressed while in an EIS and it would be a very limited EIS.

MR. ARGENIO: The only issue here is the view, the viewshed. Go ahead.

MR. MORANDO: Just I don't want to cut you off but I'd like to respond to a couple things. I will get to the EIS in a second. But as far as your suggestion of Snake Hill or areas outside of this particular area.

MR. ARGENIO: I didn't suggest Snake Hill, I said a tower on Snake Hill, it's not as unsightly as this.

MR. MORANDO: AT&T's already served by antennas on Snake Hill, that's not relevant for serving this area. As far as this being the worst area to site a tower, the reason we're showing you all these options here is because it's a difficult area, we understand, but it's also zoned to permit this tower, it's also candidly speaking it's difficult to find any other sites that would serve this area coverage wise, we need to find a site in this area.

MR. ARGENIO: Nobody here is implying it's easy, I don't want you to understand that this is not a high handed discussion, this is not a high handed discussion where people are up here saying go away, we don't like your tower, look, everybody has a cell phone cell, phones are served by towers, they have to be somewhere, I'm okay with that.

MS. ZAMENICK: That's another issue that could be addressed if we did the EIS, we could look for alternatives that don't currently have towers, they really look at places that have towers, it might be favorable if the board chooses to do the process to have the applicant explore those sites that don't currently have a tower that might give the applicant more options.

MR. ARGENIO: Excuse me, are you guys okay with the direction this is going?

MR. BROWN: Yes.

MR. GALLAGHER: Absolutely.

MR. VAN LEEUWEN: Absolutely.

MR. MORANDO: I have to strongly object to the positive dec. As you indicated, the relevance is the visual impact. We have already provided substantial options or if it's an alternative site issue, meaning we have looked at co-locations, there is none that work from a coverage standpoint, again, if I can just finish, I'm not interrupting you, again, this is where the code directed us to go, this site had a tower.

MR. ARGENIO: Code didn't direct you to go there, no, the reality of it is that that is an area in our code where that installation works and is acceptable per the code, that's it, it doesn't direct you there. There's many, many other areas in the town. Go ahead.

MR. MORANDO: I apologize but it actually does direct you to look for a site with an existing tower, that's what we did, that's what we found. Now as far as--

MR. ARGENIO: I apologize for interrupting what you're hearing from this board is the value of that viewshed trumps what you just said.

MR. MORANDO: Okay.

MR. EDSALL: Many of the discussions you're having are those if you are heading in the direction of a pos dec will be further explored, documented and it's possible, I'm saying it's going to happen that they may prove that this is the only site but it's also possible that this more exhaustive review by this board with the applicant could identify alternatives which would satisfy both AT&T and the board and that's the beauty of SEQRA keeping in mind that zoning--

MR. ARGENIO: Very powerful tools.

MR. EDSALL: -- zoning tells you what's permitted, as you indicate, doesn't say where you have to go or what you have to do.

MR. ARGENIO: That was exactly my point.

MR. EDSALL: The code doesn't say ignore SEQRA, that would be improper, you have an obligation to both comply with the code and consider--

MR. ARGENIO: Not only improper, it would be illegal.

MR. EDSALL: So you have to meet both thresholds.

MR. MORANDO: No, wait, we are not saying ignore SEQRA, we're trying to focus on the impact that you are mentioning visual, if there's another site, if the board can suggest another site so we don't chase our tail we would gladly look at it.

MR. ARGENIO: I just spit out four possible locations.

MR. MORANDO: Those aren't actual sites that could possibly work.

MR. ARGENIO: So you have investigated them, all four of those sites?

MR. MORANDO: They are outside of the area of coverage. I have an expert here that can testify.

MR. GALLAGHER: That's all within a mile.

MR. MORANDO: If you're talking about going a couple hundred yards to the left, right, up or down, west or east of this site within this vicinity we would have looked since the last meeting at preliminary at other sites, we don't believe that positive dec would serve this application, it truly, truly wouldn't beyond that the views from a historical local important area while again may be important to the community not for purposes of SEQRA would that require a positive dec, it could be dealt with in this meeting right now or at a subsequent meeting without going down that path. If we can just have some direction from the board, some immediate sites.

MR. VAN LEEUWEN: We cannot do that.

MR. ARGENIO: Let me go back to what Henry said before, your problems are not going to become this board's problems or this town's problems and here's what, where this is going at this point this is being reduced to a debate and that's something that I am not going to engage in and I don't think any of my contemporaries want to engage in a debate. And I'm going to speak and

if anybody disagrees, please speak up. Here's the deal, you need to and dare I use the term an exhaustive fashion you need to seek another spot, appropriate and exhaustive and this spot is not right and at the end of the day, the only tool or the appropriate tool for us and the public is to declare a positive declaration with a narrow scope which I think everybody's on board with and it's the viewshed, it's the aesthetics, it's the viewshed. That said.

MS. ZAMENICK: I just want to say I think that what I, if the board chooses to do a pos dec, you can limit it to just visual impacts of the site so we can explore it to make sure we have exhausted it as well as the alternative sites, that way, we give them a fair shot at both and I know you don't like me saying that.

MR. ARGENIO: It's okay. As Mark said, you may very well end up back here but in my mind at least I think in probably my contemporaries' minds everybody wants to be absolutely positive this resource that we have, the viewshed it's not repeatable, it's not like we can do it again somewhere else, it is what it is and once the thing is there, it's there for a long, long time.

MR. MORANDO: If you allow me just to give a few more minutes of conversation.

MR. VAN LEEUWEN: We're not going to sit here all night.

MR. ARGENIO: This is about exhausted. Go ahead.

MR. MORANDO: I understand that, few minutes to clear some things up. First, I have to say that a pos dec at this stage in the process just to inform the board of the timing we're coming up in a few days on the time limit allowed to issue a decision under Town Law on this matter, meaning 62 days from the day of closing of public hearing but beyond that the FCC shot clock rule is 150 days from the date of the application submission, at this point, those dates are coming up over the next approximate four days.

MR. ARGENIO: We can argue that because there's also verbiage.

MR. VAN LEEUWEN: You're threatening us.

MR. ARGENIO: There's also verbiage that says upon, the

shot clock starts upon the application being complete which is a different discussion but I don't want to get into that level of minutia. Finish.

MR. MORANDO: Then I will say that again we have identified two, possibly three sites that we would discuss with you, I can bring them up right now, those sites are still going to be in that area and an EIS is not going to resolve that issue, there's a site on the west, we have had two sites on the west side of Route 9W across the street and I, we can discuss those now if you'd like, I can bring those up and those are--

MR. VAN LEEUWEN: No, this is what we're discussing now.

MR. MORANDO: But you're telling me to look for other sites.

MR. EDSALL: Mr. Chairman--

MR. ARGENIO: Go ahead, Mark.

MR. EDSALL: We can go on all night--

MR. ARGENIO: We're not going to, I promise you.

MR. EDSALL: Thank you -- trying to decide what site is best here but that's exactly what the SEQRA process is for. Secondly, we have got as you indicated we have got the DEC's unique site, I think it's Kowawese, the Sloop Hill site which is under DEC jurisdiction potentially that could impact views from that unique site. We have got Coloni which in all due respect to Mr. Morando obviously Office of Parks, Recreation and Historic Preservation didn't take the hard look-see they're supposed to take when they're not even aware that that's clearly an eligible site and if not, we could seek their input but having them review these graphic representations that's what SEQRA's there to bring these agencies in. So rather than have the debate occur here at 555 Union Avenue, we have these agencies that have an interest I'm sure and that's what the SEQRA process brings everyone together so I'd recommend that you do consider the pos dec because you could have the hard look that SEQRA asks for given by not just the Town of New Windsor but these other two agencies.

MR. ARGENIO: Amy, one paragraph or less.

MS. ZAMENICK: I want to address the issue of the shot clock. Dominic and I have extensively researched the issue, we still do have the obligation of SEQRA, right now it isn't completely clear how they could merge, it's relatively new, who knows what will really come of that, how they are going to say how it works, we have to still obey SEQRA, there's nothing exempting us and I'm saying this for the benefit of the applicant, we're still obligated to uphold SEQRA while we understand the shot clock it's within the best interest of the board.

MR. MORANDO: May I not speak anymore?

MR. VAN LEEUWEN: Sir, it's 9 o'clock.

MR. ARGENIO: If you have something new to add, I will hear it but that's not, I'm not going to debate this. We have been debating for 25 minutes, I'm not going to debate, you be the judge of the next words that are going to come out of your mouth.

MR. MORANDO: I have to be candid, I fell like a pos dec is more of a delay tactic than it is a delay tactic to remedy this.

MS. ZAMENICK: Skipping the scoping session that would save 60 to 90 days, it's a very limited EIS that we're looking for.

MR. ARGENIO: I said that, I appreciate you reinforcing it, it's not a delay tactic as is evidenced by just what counsel uttered in that we're not going to go through a big giant scoping session, the visual impact is the only thing we're concerned about. The board has considered it, we have looked at the options you have proposed to us and that's it, it's the visual impact.

MS. ZAMENICK: And alternative sites.

MR. VAN LEEUWEN: I have a motion on the floor for pos dec under the SEQRA process.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we, Town of New Windsor Planning Board assume a positive declaration under the SEQRA process for the cell tower on the New Windsor Motel. Roll call.
ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I want to reiterate what we just said what Amy just said that it is limited to the visual aspect and alternate locations, it's not a delay tactic, we're not looking for a lot of miscellaneous time wasting, I have nothing else on this subject. Anybody else?

MR. VAN LEEUWEN: We have been all here tonight, we have put things right through.

MR. ARGENIO: Thank you.

DISCUSSION

MEADOWBROOK ESTATES

MR. ARGENIO: Last thing, Mark, Covington?

MR. EDSALL: Meadowbrook.

MR. ARGENIO: Meadowbrook, I'm sorry.

MR. EDSALL: The applicant, you should have a letter dated January 6 indicating that the applicant of the Meadowbrook Estates subdivision which had final approval as a subdivision but is before you to amend that final subdivision approval for a cluster they are looking to perform some limited clearing, the applicant is here tonight.

MR. ARGENIO: Where is the applicant? I don't see him here. Come on up. What's your name, sir?

MR. SEWITT: I'm George Sewitt, I represent the applicant.

MR. ARGENIO: Who are you with?

MR. TROCHIANO: Anthony Trochiano from Pietrzak & Pfau.

MR. ARGENIO: Mark?

MR. EDSALL: Well, I will let them present their, I asked that they both communicate with the board via letter since the board does have the opportunity with proper inspection fees being posted to allow limited clearing prior to bonding of all the public improvements since they do have a final approval but I thought it was important that the board review the scope and I will comment on it after they make their presentation.

MR. ARGENIO: You want to cut trees down, do you want to grub as well?

MR. SEWITT: No.

MR. ARGENIO: No stump removal?

MR. SEWITT: No, not at this point.

MR. TROCHIANO: The area outlined in red, this is the

area.

MR. ARGENIO: Tell the board your ulterior motive, I know it already, they don't know it.

MR. VAN LEEUWEN: What's the motive behind it?

MR. SEWITT: On March 31st--

MR. ARGENIO: Begins with Indiana.

MR. SEWITT: March 31, there's a limitation to, because of the Indiana bat, it's one of their nesting places, if we come in and clear prior to that, when I say clear, I just mean cut trees down, we'll be able to build during this season, if not, we miss a season.

MR. VAN LEEUWEN: Are you going to pick up the trees that you're going to cut down or are you going to pile them, that's all?

MR. SEWITT: What would you like us to do?

MR. VAN LEEUWEN: Get rid of them.

MR. SEWITT: If you need firewood.

MR. ARGENIO: The deal is this, nobody's an anti-environmentalist here, the bats come out of somewhere, they hang out in some cave and they nest in certain areas and the deal is that you can't cut the trees down after the bats come back and they make a home in the tree, you're going to kill the bat and kill his habitat. But if the tree gets dropped in January and the bat has no habitat in that tree then the bat was never there.

MR. SCHLESINGER: Is this a certain tree?

MR. ARGENIO: No, just geographical area they go to. The only reason I know is my firm bids a lot of work, the bats are always a concern and timing of such. Go ahead, tell us what you want to do.

MR. TROCHIANO: That's basically essentially what we want to do.

MR. SEWITT: It's the intent.

MR. EDSALL: If they can expand by my understanding it

was just the one main road through but it appears you have got now 17 lots and three other areas which I assume two of them are storm water basin areas?

MR. SEWITT: Correct.

MR. EDSALL: You've got a large area that's up to the upper right on the plan, the area in the upper right this actually doesn't encompass this area, this line right here just designates where the sewer would be.

MR. ARGENIO: Is this your property?

MR. SEWITT: Yes.

MR. ARGENIO: There's a pond there.

MR. SEWITT: No, there will be a combination retention detention pond.

MR. ARGENIO: I don't see any contours indicating a retention pond.

MR. SEWITT: It doesn't exist yet.

MR. ARGENIO: I don't see any proposed contours, I see contours all through here.

MR. TROCHIANO: If the only thing that's shown on the map right now is existing contours, I didn't put on any of the proposed contours because I didn't want the map to be cluttered so you can read it.

MR. ARGENIO: Good thought.

MR. EDSALL: Well, I just want to make sure we understand why we need to clear 17 building lots versus just the road, again, I don't have any objection but my initial understanding was the through road storm water areas because they were the first element to go in and the sewer right-of-way or the sewer route which is that line that goes up off to the right. So my only concern is why were the 17 lots added just so we understand that?

MR. SEWITT: The rationale behind that because on March 31st, we wouldn't be able to cut trees, we intend because this subdivision was approved already we're just modifying it to make it have less impacts, we'd like to be able to start selling houses this summer as

well.

MR. ARGENIO: In a paragraph.

MR. SCHLESINGER: These trees are going to be cut down whether this year, next year or whatever it is.

MR. ARGENIO: In a paragraph or less, what's your status of your SWPPP and your approval on the cluster, have you resolved the plan? I assume you have.

MR. TROCHIANO: The SWPPP has been, was just completed a couple days ago and submitted via e-mail to Mark Edsall's office, reproduction is being made of hard copies, once that's done, a copy will be submitted with a cover letter to the board and also to MH&E for their review.

MR. ARGENIO: Mark, are the necessary erosion, I think I know the answer to the question but I will ask it anyway, are the erosion control measures being in place a necessary requirement of the SWPPP if you're just dropping the trees?

MR. EDSALL: No, if they are just cutting trees and your question right up front was extremely important was grubbing or stumping so as long as you're just cutting the trees above grade then I have no problem with the board considering this while they are still revising the final SWPPP based on the cluster subdivision.

MR. ARGENIO: Just dropping trees and either the wood will be chipped or it will be removed, wood chips are great erosion control, you can stabilize with them and maybe I can go up there and get some firewood, who knows.

MR. SEWITT: We won't chip at all then, we'll leave some.

MR. ARGENIO: Do you guys have any questions?

MR. SCHLESINGER: No.

MR. GALLAGHER: No.

MR. ARGENIO: Do we need to vote on this Mark?

MR. VAN LEEUWEN: Make a motion to allow them to cut

the trees down.

MS. ZAMENICK: Just a motion.

MR. ARGENIO: That motion's made in accordance with that map that's in front of us?

MR. SEWITT: Correct.

MR. ARGENIO: It's not an authorization to clear cut the place.

MR. SEWITT: No, we have no intention of doing that.

MR. EDSALL: Any grubbing, grading, stumping.

MR. SEWITT: No grading, no grubbing, just cut the trees down.

MR. EDSALL: The only reason they're here is because the Town Code in New Windsor includes a provision which a lot of towns don't have is to say that before you're allowed to do any site work very generic the board either has to approve it or you have to have an approved subdivision with all the bonds in place. They have got an approved subdivision, they just don't have all the bonds in place so they're kind of halfway so that's why they're here.

MR. ARGENIO: Okay, formal poll. Neil, you're all right?

MR. SCHLESINGER: Yes.

MR. BROWN: Yes.

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: I'm okay with it, try to stay within the limits of what's there, do stay within those limits. Anything else? That's it, thank you for coming in. Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer